

## WAIVER OF SERVICE OF SUMMONS

TO: JOHN W. BILLHORN - ATTORNEY  
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I acknowledge receipt of your request that I waive service of a summons in the action of Kathleen D. Boggs, on behalf of herself and all other Plaintiffs similarly situated known and unknown v Brown Printing Company which is case number 08 CV 1985, in the United States District Court for the NORTHERN District of ILLINOIS. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

(CAPTION OF ACTION)

(DOCKET #)

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 4/10/2008, or within 90 days after that date if the request was sent outside the United States.

5/8/08  
(DATE)



(SIGNATURE)

PRINTED/TYPED NAME: Paul Patten

AS Attorney (TITLE) OF Brown Printing Company (CORPORATE DEFENDANT)

## DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**KATHLEEN D. BOGGS**, on behalf of )  
herself and all other plaintiffs known )  
and unknown, ) **NO. 08 CV 1985**  
)  
Plaintiff ) **Honorable Judge Holderman**  
)  
v. )  
) **Magistrate Judge Valdez**  
BROWN PRINTING COMPANY )  
)  
) **JURY DEMAND**  
Defendants )

## NOTICE OF FILING

TO: Brown Printing Company  
Legal Department  
11595 McConnell Road  
Woodstock, IL 60098-7336

PLEASE TAKE NOTICE that on May 15, 2008, I shall cause to be filed with the Clerk of the United States District Court locate at the Everett Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, **DEFENDANT'S EXECUTED WAIVER OF SERVICE**, a copy of which is attached hereto.

s/ John W. Billhorn  
*Electronically Filed 5/15/2008*

John W. Billhorn

## CERTIFICATE OF SERVICE

The undersigned, a non-attorney, hereby states under oath, that on May 15, 2008, she caused to be served upon the parties shown above, the pleading referenced herein by the Court's ECF system, or as otherwise directed.

s/ Jodi S. Hoare

Jodi S. Hoare

BILLHORN LAW FIRM  
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